

## Message Text

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ACTION L-03

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FM AMEMBASSY RABAT  
TO SECSTATE WASHDC 6211  
INFO AMCONSUL CASABLANCA  
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E. O. 11652: N/A  
TAGS: EINV, MO  
SUBJ: LAND EXPROPRIATION CASES

REFS: A) STATE 129078, B) RABAT 3321

1. EMBASSY HAS JUST RECEIVED COPY OF LETTER FROM SENATOR H. JOHN HEINZ III TO SECRETARY VANCE DATED MAY 19, 1978 IN WHICH SENATOR SOLICITS ADVISE ON HOW MATTER OF EXPROPRIATED PROPERTIES OF MRS. FRANCES PELLENC CAN BE EXPEDITIOUSLY RESOLVED. SENATOR ALSO NOTES RELEVANCE OF HICKENLOOPER AMENDMENT TO CASE, AND EXPRESSES HOPE THAT MATTER WILL NOT REACH POINT WHERE HE WOULD HAVE TO URGE ITS INVOCATION. EMBASSY WOULD APPRECIATE COPY OF DEPARTMENT'S REPLY, WHICH, ALONG WITH SENATOR'S LETTER WOULD BE HELPFUL IN PURSUING MATTER AT THIS END.

2. EMBASSY WOULD ALSO APPRECIATE READ-BACK OF STATUS OF ALL EXPROPRIATION CASES IN LIGHT OF PROPOSALS FOR FUTURE ACTION WHICH WE MADE IN REF A, AS WELL AS GUIDANCE REQUESTED ON FURTHER STEPS WE SHOULD TAKE HERE. DEVELOPMENTS OCCURRING SINCE TIME OF REFTELS WHICH WE ARE AWARE OF CONCERN PELLENC AND RCA CLAIMS, AND  
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ARE AS FOLLOWS:

3. PELLENC CASE: CARL SALANS WROTE TWO REGISTERED LETTERS DATED JULY 4 TO GOM/MFA (COPIES TO EMBASSY) IN WHICH HE CLARIFIED THE NATIONALITIES OF MRS. PELLENC AND HER DAUGHTER MRS. TURCAT, AND REQUESTED THAT GOM SET EARLY DATE FOR DISCUSSING FINAL SETTLE-

MENT OF BOTH CASES. AS DEPARTMENT AWARE, GOM RAISED QUESTION OF WHETHER BOTH CLAIMANTS WERE NOT IN FACT FRENCH NATIONALS, THUS SEEKING TO INVALIDATE THEIR CLAIM TO COMPENSATION SINCE GOM HAD ALREADY RESOLVED ALL EXPROPRIATED FRENCH NATIONALS ON BILATERAL BASIS WITH GOF. SALANS LETTERS CONFIRMS THAT MRS. PELLENC IS AND ALWAYS HAS BEEN US CITIZEN EXCLUSIVELY, WHEREAS DAUGHTER IS IN FACT DUAL NATIONAL.

4. RCA CASE: DURING BUSINESS CALL ON E/C COUNSELOR JULY 17, EUROPEAN REPRESENTATIVE OF RCA GLOBAL COMMUNICATIONS, R.G. AVANZI, STATED THAT HIS MANAGEMENT HAD ASKED HIM TO SEEK EMBASSY ADVICE ON WHETHER TO ABANDON CLAIM, USING EXPROPRIATION AS TAX DEDUCTION, PURSUE CLAIM LOCALLY USING MOROCCAN ATTORNEY, OR CONSIDER JOINING FORCES WITH OTHER CLAIMANTS IN US USING SINGLE ATTORNEY--OR SET OF ATTORNEYS--TO PRESS ALL CASES COLLECTIVELY. RCA HAD PREVIOUSLY CONSIDERED SENDING HIGH-LEVEL TEAM OF CORPORATE LAWYERS TO SEEK SETTLEMENT BUT ON REVIEWING MAXIMUM PROBABLE PAY-OUT WITH EMBASSY (UNLIKELY TO BE MORE THAN \$10,000-\$15,000). HAD CONCLUDED THAT LATTER NOT WORTH COSTS INVOLVED. E/C COUNSELOR URGED RCA NOT TO ABANDON CLAIM, SINCE SUCH A MOVE WOULD CONFIRM VALIDITY OF GOM'S STRATEGY OF INACTION, JEOPARDIZE CASES OF OTHER CLAIMANTS, AND WORK DIRECTLY AGAINST USG'S LONGSTANDING POLICY OF INSISTING ON COMPENSATION FOR EXPROPRIATED US CITIZENS. AS TO OTHER OPTIONS, LIMITED OFFICIAL USE

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EXPERIENCE HAD SHOWN THAT LOCAL LAWYER APPROACH DID NOT GENERALLY PAY OFF. IDEA OF JOINING FORCES HAD POSSIBLE MERIT OF STRENGTHENING HAND OF ALL CLAIMANTS, INCLUDING THOSE LESS WELL ENDOWED TO PURSUE THEIR INDIVIDUAL CLAIMS, BUT MIGHT DELAY PACKAGE SETTLEMENT, THUS WORKING AGAINST INTERESTS OF OLDER CLAIMANTS. IN E/C COUNSELOR'S VIEW, DEPARTMENT'S LEGAL DIVISION WAS BEST SOURCE OF ADVICE ON HOW TO PROCEED IN CASES SUCH AS THIS. AVANZI AGREED TO RECOMMEND THIS APPROACH TO HIS NEW YORK HEADQUARTERS.

5. BELIEVE WE SHOULD NOT LOSE MOMENTUM IN LAND CASES ISSUE, OR RISK LOSING EVEN LITTLE GROUND GOM HAS CONCEDED IN REF (B). BUT WE WILL NEED GUIDANCE, AS PREVIOUSLY REQUESTED, ON HOW AND WHEN TO MAKE NEXT MOVES IN RABAT, WHICH HOPEFULLY WILL BE PART OF LARGER STRATEGY TO CONCLUDE LAND CASES ISSUE. ANDERSON

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